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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

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Attorneys for Defendants  
7 WILLIAM R. HOLLIDAY, an Individual; and HOLLIDAY IT  
SERVICES, INC., a California corporation  
8

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 WESTERN DIVISION

12  
13 INTERNET BRANDS, INC., a Delaware  
corporation,

14 Plaintiff,

15 v.

16  
17 WILLIAM RYAN HOLLIDAY, an  
Individual; HOLLIDAY IT SERVICES,  
18 INC., a California corporation; and JAMES  
HEILMAN, an individual; and DOES 1-10,  
19 inclusive,

20 Defendants.  
21

CV12-08088SVW(R2x)  
Case No.

Cal. Superior Court, County of Los  
Angeles, Case No.: YC067706

NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. §§ 1331, 1367, 1338,  
1441, AND 1446, AND 15 U.S.C. § 1121(a)

Complaint Filed: August 28, 2012

BY FAX

22 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

23 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1367(a), 1338, 1441, 1446, and  
24 15 U.S.C. § 1121(a), defendants William R. Holliday ("Ryan Holliday") and Holliday IT  
25 Services, Inc. ("Holliday IT Services") (collectively "Holliday Defendants"), by their undersigned  
26 attorneys, hereby remove the above-captioned civil action, and all claims and causes of action  
27 therein, from the Superior Court of California, County of Los Angeles, to the United States  
28

District Court for the Central District of California, Western Division. Holliday Defendants state as follows:

**Jurisdiction and Authority for Removal**

1) On August 28, 2012, an action was commenced by plaintiff Internet Brands, Inc. (“Plaintiff” or “IB”) against the Holliday Defendants and James Heilman in the Superior Court of the State of California for the County of Los Angeles, entitled “INTERNET BRANDS, INC., a Delaware corporation v. WILLIAM RYAN HOLLIDAY, an Individual; HOLLIDAY IT SERVICES, INC., a California Corporation; and JAMES HEILMAN, an individual; and DOES 1-10, inclusive” (“*Internet Brands*”), with case number YC067706. This removal is therefore timely under 28 U.S.C. § 1446(b).

2) Attached hereto as **Exhibit A** are all documents served on the removing defendants in the *Internet Brands* case file, including a copy of the *Internet Brands* Complaint.

3) The Central District of California, Western Division, encompasses Los Angeles County.

4) This Court has original jurisdiction over this action under 28 U.S.C. § 1331, 1338 and 15 U.S.C. § 1121(a) because the Complaint alleges, as Count II, a violation of the “Lanham Act, § 43(a), 15 U.S.C. § 1125.” Thus, removal is based on a claim “arising under” federal law.

5) This Court has supplemental jurisdiction over Counts I, III, and IV of this action because these counts are so related to Count I that they form part of the same case or controversy under Article III of the United States Constitution. *See* 28 U.S.C. § 1367.

6) The Holliday Defendants may thus remove this action to this Court under 28 U.S.C. § 1441.

**Joinder of All Defendants in Notice of Removal**

7) All Holliday Defendants are joined in this notice of removal, but defendant James Heilman is not joined because he has not been served, and is therefore not required to join in the removal.<sup>1</sup> *See Destfino v. Reiswig*, 630 F.3d 952, 957 (9th Cir. 2011).

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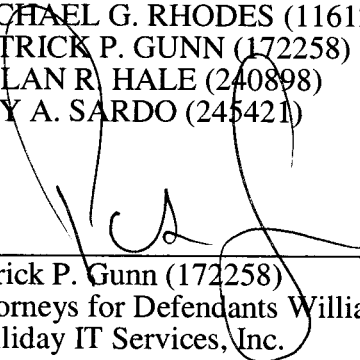
<sup>1</sup> Plaintiff has also failed to complete valid service on defendant Ryan Holliday, but defendant Ryan Holliday does not contest the service defects.

1 **Notice to Plaintiff and Superior Court of Removal of Civil Action**

2 8) Holliday Defendants will promptly serve a copy of this Notice of Removal on  
3 counsel for Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Superior  
4 Court of California for the County of Los Angeles pursuant to 28 U.S.C. § 1446(d).

5 Dated: September 19, 2012

6 COOLEY LLP  
7 MICHAEL G. RHODES (116127)  
8 PATRICK P. GUNN (172258)  
9 DYLAN R. HALE (240898)  
10 RAY A. SARDO (245421)

11   
12 \_\_\_\_\_  
13 Patrick P. Gunn (172258)  
14 Attorneys for Defendants William R. Holiday and  
15 Holliday IT Services, Inc.

12 1285853/SF

**EXHIBIT A**  
**To Notice of Removal**

**COPY**

SUM-100

**SUMMONS  
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

**WILLIAM RYAN HOLLIDAY, an Individual; HOLLIDAY IT SERVICES, INC., a California corporation;**(see additional form attached

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**INTERNET BRANDS, INC., a Delaware corporation,**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 29 2012

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

BY FAX

**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO)** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos extras por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Los Angeles Superior Court  
Torrance Courthouse  
825 Maple Ave., Torrance, CA 90503

CASE NUMBER:  
(Número del caso):

PC067706

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Wendy B. Gilbert; iGeneral Counsel, PC; 9595 Wilshire Blvd, STE 900, Beverly Hills, CA 90212

DATE:  
(Fecha) AUG 29 2012

JOHN A. CLARKE, Clerk, by  
(Secretario)

T. RHODES, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[REAL]

**NOTICE TO THE PERSON SERVED: You are served**

1. ☒ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.80 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):

SHORT TITLE: Internet Brands, Inc. v. William Ryan Holliday, et al.	CASE NUMBER:
--	--------------

## INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

and JAMES HEILMAN, an individual; and DOES 1-10, inclusive,

**COPYFORMED COPY**OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 28 2012

John A. Clarke, Executive Officer/Clerk

By Lanelle M. Galindo, Deputy

1 Wendy Evelyn Giberti (SBN 268913) ASSIGNED FOR  
 2 wgiberti@igeneralcounsel.com ALL PURPOSES TO  
 3 iGeneral Counsel, P.C. **STUART M. RICE**  
 4 9595 Wilshire Blvd., STE 900  
 Beverly Hills, CA 90212 Judge B Div.           
 Telephone: (310) 300-4082 Dept. B  
 Facsimile: (310) 300-8401

5 Attorney for Plaintiff INTERNET BRANDS, INC., a Delaware Corporation  
 6  
 7  
 8  
 9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12 INTERNET BRANDS, INC., a Delaware  
 13 corporation,

14 Plaintiff,

15 v.

16 WILLIAM RYAN HOLLIDAY, an  
 17 Individual; HOLLIDAY IT SERVICES,  
 18 INC., a California corporation; and  
 19 JAMES HEILMAN, an individual; and  
 20 DOES 1-10, inclusive,

21 Defendants.

Case No. **YC067706**

**COMPLAINT FOR:**

1) **TRADEMARK  
INFRINGEMENT;**

2) **UNFAIR BUSINESS  
PRACTICES UNDER THE  
LANHAM ACT;**

3) **UNFAIR BUSINESS  
PRACTICES UNDER  
CALIFORNIA BUSINESS  
PRACTICES ACT, SECTION  
17200; and**

4) **CIVIL CONSPIRACY**

22 **COMES NOW** Plaintiff, INTERNET BRANDS, INC. ("Internet Brands" or  
 23 "Plaintiff"), and for its claims against WILLIAM RYAN HOLLIDAY, an  
 24 individual, HOLLIDAY IT SERVICES, INC., a California Corporation, and  
 25 JAMES HEILMAN, an individual, (collectively, "Defendants") hereby alleges as  
 26 follows:  
 27  
 28

**COMPLAINT**

NO SUMMONS ISSUED UPON FILING

BY FAX

1 **JURISDICTION AND VENUE**

2 1. This Court has personal jurisdiction over Defendants pursuant to the  
3 California Code of Civil Procedure, Section 410.10, the California State  
4 Constitution, and the United States Constitution, in that Defendants Holliday and  
5 Holliday IT Services, Inc. are residents of the State of California and Defendant  
6 Heilman has purposefully availed himself of commerce in the State of California,  
7 violated a contract entered into in California, and tortuously caused injury within  
8 the State of California.

9 2. Venue is proper in this Court pursuant to California Code of Civil  
10 Procedure, Section 395, in that Defendants Holliday and Holliday IT Services, Inc.  
11 reside in Los Angeles County and the injury occurred in Los Angeles County.

12 **THE PARTIES**

13 1. Internet Brands is a Delaware corporation having its principal place of  
14 business at 909 Sepulveda Boulevard, 11th Floor, El Segundo, California, 90245.

15 2. Plaintiff is informed and believes and thereon alleges that Defendant  
16 Holliday IT Services, Inc. is a corporation organized and existing pursuant to the  
17 laws of the State of California, with its principal place of business located at 4247  
18 Neosho Ave., Los Angeles, CA90066-6129.

19 3. Plaintiff is informed and believes and thereon alleges that Defendant  
20 William Ryan Holliday ("Holiday") is an individual who resides in Los Angeles  
21 County, State of California.

22 4. Upon information and belief, Defendant Holliday IT Services, Inc. is  
23 merely the alter-ego of Defendant Holliday and thus liability against Defendant  
24 Holliday and Defendant Holliday IT Services, Inc. should be joint and several,  
25 and this Court may appropriately pierce the improper corporate veil to adjudicate  
26 personal liability against Defendant Holliday.

27 5. Plaintiff is informed and believes and thereon alleges that Defendant  
28 James Heilman ("Heilman") is an individual who resides in the province of



1 Saskatchewan, Canada.

2 **FACTS GIVING RISE TO CLAIMS**

3 6. Internet Brands restates, re-alleges and incorporates paragraphs 1  
4 through 5 as if fully set forth herein.

5 7. Headquartered in El Segundo, California, Internet Brands is a media  
6 company that operates various websites and also develops and licenses Internet  
7 software and social media applications. Within its Consumer Internet Division,  
8 Internet Brands owns and operates more than 200 websites in nine different  
9 categories, including travel.

10 8. Within the travel category, Internet Brands owns and operates twenty-  
11 seven different travel related websites, including wikitravel.org (the "Wikitravel  
12 Website"), which it acquired in 2005 for \$1,700,000 from Evangelo Prodromou  
13 and Michele Jenkins (the "Sellers").

14 9. The Wikitravel Website is a website designed and operated to create a  
15 free, complete, up-to-date, and reliable worldwide travel guide. To date, the  
16 Wikitravel Website has over 62,000 destination guides and other articles written  
17 and edited by travellers from around the globe.

18 10. In addition to owning the Wikitravel Website, Internet Brands owns  
19 and has the rights to the trademark "WIKITRAVEL" (the "Trademark"), which it  
20 has used consistently and continuously since 2005. Today, Wikitravel is one of the  
21 largest and most popular travel information website in the world, known  
22 worldwide by its tradename.

23 11. The content on the Wikitravel Website can be created, deleted,  
24 modified, and otherwise edited by anyone, and is done so under a Creative  
25 Commons Attribution – ShareAlike License (the "License").

26 12. The License essentially provides that every contributor to the  
27 Wikitravel Website gives the right to anyone else to copy the content, so long as  
28 the copier gives attribution to the original content creator and retains the work and

1 any derivative works under the same License.

2 13. Internet Brands employs a strong team of technology, management,  
3 and other business personnel to oversee, operate, and improve the Wikitravel  
4 Website.

5 14. In addition, Internet Brands relies on its staff and dozens of volunteer  
6 administrators (the "Administrators") to protect the quality of the content posted,  
7 to remove spam, and to otherwise oversee the Wikitravel Website.

8 15. Defendant Holliday was an Administrator on Wikitravel from June  
9 27, 2005 until August 21, 2012.

10 16. The Wikimedia Foundation is the organization that operates  
11 Wikipedia.org and other "sister projects."

12 17. The Wikimedia Foundation has raised tens of millions of dollars,  
13 some of, which it intends to use for the benefit of "sister projects" including other  
14 Wiki sites.

15 18. Heilman is a Board member of Wikimedia Canada, which is the  
16 thirty-third local chapter of the Wikimedia Foundation.

17 19. On February 23, 2012, Heilman signed up for an account on  
18 Wikitravel, and, for the first time, posted on that site.

19 20. Heilman's February 23<sup>rd</sup> and subsequent posts were not for the benefit  
20 of the Wikitravel users or its broad community, but were specifically for the  
21 benefit of the Wikimedia Foundation. Specifically, he began a course of conduct  
22 intended to usurp the Wikitravel community; these actions included deliberately  
23 misleading statements, and Trademark infringement and violation of Internet  
24 Brands' intellectual property rights.

25 21. His plan was simple: create the illusion that Wikitravel Website was  
26 substantially "broken" and that the Wikimedia Foundation, out of generosity and  
27 benevolence, would be "bringing together," "integrating" or "migrating"  
28 Wikitravel to its control for the benefit and betterment of the Wiki community.

1        22. Heilman announced that the “new” site, which would combine the  
2 Wikitravel Website through a straw-man transaction with Wikivoyage.org (the  
3 “Wikivoyage Website”) into a Wikimedia Foundation website that would be  
4 called “Wiki Travel Guide” (the “Infringing Website”).

5        23. In order to help effectuate this plan, Heilman offered to assist the  
6 formation of the Infringing Website, spearheading and organizing certain planning  
7 and logistics of the infringing activity, and playing a broad and substantive role in  
8 “carrying the water” for the Infringing Website including the infringing acts.

9        24. Heilman was heavily involved in recruiting the support of others for  
10 various aspects of the development of the Infringing Website, the violation of the  
11 Trademark, and violation of the License.

12        25. In April, Heilman and Ryan engaged in an email thread with several  
13 others involved in the scheme in which the parties specifically discussed keeping  
14 the matter private for fear that Internet Brands would “get wind of it” and begin  
15 “actively resisting.”

16        26. On July 12, 2012, Heilman met at the Wikimania convention with a  
17 number of Administrators and others to reach a further meeting of the minds as to  
18 the unlawful acts to be undertaken.

19        27. On July 14, 2012, more clearly revealing their true intent of  
20 converting the Wikitravel Website to its own project, the Wikimedia Foundation  
21 asked Internet Brands to “donate” the Wikitravel Website, domain name, and the  
22 trademark rights to WIKITRAVEL.

23        28. When Internet Brands refused, the defendants escalated their efforts to  
24 trade on the Trademark, confuse the marketplace, misrepresent the origin, and  
25 violate the License.

26        29. For example, on August 18, 2012, Holliday improperly and  
27 wrongfully emailed at least several hundred of Wikitravel members, purporting to  
28 be from Wikitravel and informing members that the Wikitravel Website was

1 "migrating" to the Wikimedia Foundation. Upon information and belief, the  
2 number emailed is far greater.

3 30. Specifically, Holliday's email contained the Subject Line, "Important  
4 information about Wikitravel" and its body stated, "This email is being sent to you  
5 on behalf of the Wikitravel administrators since you have put some real time and  
6 effort into working on Wikitravel. We wanted to make sure that you are up to  
7 date and in the loop regarding big changes in the community that will affect the  
8 future of your work! As you may already have heard, Wikitravel's community is  
9 looking to migrate to the Wikimedia Foundation."

10 31. Holliday and Heilman clearly intended to confuse Wikitravel Website  
11 participants into thinking the Wikitravel Website is migrating to Wikimedia, in  
12 order to gain, through improper and illegal means, all the traffic and content  
13 creators currently contributing to Wikitravel.

14 32. Holliday not only violated trademark laws, he violated the  
15 administrative access given to him by Internet Brands by improperly using  
16 personal information stored on Internet Brands' servers about users and writing to  
17 them by name, in an attempt to bolster the appearance of a direct communication  
18 from the owners of the Wikitravel Website.

19 33. The defendants pride themselves in operating in a transparent fashion,  
20 when in actuality, the defendants have deliberately misrepresented facts and  
21 conspired with each other and many more to violate several laws in order to gain  
22 personally.

23 34. Worse still, the creation of "Wiki Travel Guide" has been done  
24 without proper attribution to the original content creators, in clear violation of the  
25 Attribution-Share License and the rights of the original creators.

26 35. The defendants Heilman and Holliday clearly have not acted alone.  
27 Further investigation continues to reveal additional co-conspirators and additional  
28 tortious and improper conduct. Additional defendants and causes of action are

1 expected through amendment, potentially including other Administrators that have  
2 been most corrupt in this scheme and any entity or individuals that provided them  
3 support or otherwise participated in these wrongful acts. This potentially includes  
4 the Wikimedia Foundation, members of its Board, other individual members of  
5 the Foundation, or anyone else who acted tortiously.

6 **COUNT I**

7 **COMMON LAW TRADEMARK INFRINGEMENT**

8 36. Internet Brands re-alleges and incorporates the allegations set forth in  
9 paragraph 1 through 35 herein

10 37. Internet Brands owns and uses the Wikitravel trademark and enjoys  
11 common law rights to the trademark as set forth above and thus these rights are  
12 superior and senior to any rights that Defendants or anyone else may claim to the  
13 Trademark.

14 38. Defendants' use of the Trademark is intentionally designed to  
15 replicate the Trademark owned by Plaintiff so as to likely cause confusion in the  
16 marketplace as to the source of the Infringing Website, and designed to create the  
17 illusion as to the affiliation with or creation by Internet Brands' Wikitravel  
18 Website.

19 39. Defendants' actions are to the detriment of Plaintiff.

20 40. As a result of the infringing acts by Defendants, Plaintiff has been and  
21 continues to be injured and damaged.

22 **COUNT II**

23 **FEDERAL UNFAIR COMPETITION, FALSE DESIGNATION OF ORIGIN**  
24 **AND TRADE NAME INFRINGEMENT**

25 (Lanham Act, §43(a), 15 U.S.C. §1125)

26 41. Internet Brands re-alleges and incorporates the allegations set forth in  
27 paragraph 1 through 40 herein.

28 42. Defendants' unauthorized use of a mark confusingly similar to

1 Internet Brands' Wikitravel trade name and trademarks for identical and related  
2 products, i.e., an informational travel website, falsely indicates that Defendants'  
3 and their website are connected with, sponsored by, affiliated with or related to  
4 Wikitravel.

5 43. Defendants' unauthorized use of a mark confusingly similar to  
6 Internet Brands' Wikitravel trade name and trademarks for an identical and related  
7 website is likely to cause confusion, mistake or deception as to the source,  
8 business affiliation, connection or association of Defendants and their website.

9 44. Defendants' unauthorized use of a mark confusingly similar to  
10 Internet Brands' Wikitravel trade name and trademarks for identical and related  
11 website allows Defendants to receive the benefit of Internet Brands' Wikitravel  
12 goodwill, which Internet Brands has established at great labor and expense, and  
13 further allows Defendants to expand its business, based not on its own qualities,  
14 but on the reputation and goodwill of Internet Brands' Wikitravel.

15 45. The acts of Defendants complained of herein constitute unfair  
16 competition, false designation of origin, and trade name infringement in violation  
17 of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

18 46. Internet Brands is informed and believes and thereon alleges that  
19 Defendants' acts complained of herein have been deliberate, willful and  
20 intentional, with full knowledge and in conscious disregard of Internet Brands'  
21 rights in its Wikitravel trademark and with intent to trade off of Internet Brands'  
22 vast goodwill in its mark.

23 47. As a result of the foregoing alleged actions of Defendants, Defendants  
24 have been unjustly enriched and Internet Brands has been injured and damaged.

25 **COUNT III**

26 **UNFAIR COMPETITION**

27 **(Cal. Bus. Prof. Code §17200)**

28 48. Internet Brands re-alleges and incorporates the allegations set forth in

1 paragraph 1 through 47 herein.

2 49. Defendants are offering Administrators, contributors and other users a  
3 competitive website by trading on Internet Brands' Wikitravel Trademark.

4 50. Internet Brands is informed and believes and thereon alleges that  
5 Defendants are profiting, directly or indirectly, through the use of Internet Brands'  
6 Wikitravel Trademark in a deliberate, willful, intentional and wrongful attempt to  
7 trade off of Internet Brands' goodwill, reputation and financial investment in its  
8 Wikitravel trademark.

9 51. By reason of the conduct described above, Defendants have engaged  
10 in unlawful, unfair and/or fraudulent business practices, and is in violation of Cal.  
11 Bus. & Prof. Code Section 17200 because it is likely to deceive and mislead the  
12 public.

13 52. As a direct result of Defendants' unfair competition, Defendants have  
14 unlawfully acquired, and continue to acquire on an ongoing basis, an unfair  
15 competitive advantage and have engaged, and continue to engage, in wrongful  
16 business conduct to their advantage and to the detriment of Internet Brands.

17 53. As a result of the foregoing alleged actions of Defendants, Defendants  
18 have been unjustly enriched and Internet Brands has been injured and damaged.

19  
20 **COUNT IV**

21 **CIVIL CONSPIRACY**

22 54. Internet Brands re-alleges and incorporates the allegations set forth in  
23 paragraph 1 through 53 herein.

24 55. Two or more persons, including both Defendants, had an agreement  
25 or meeting of the minds to commit numerous tortious acts.

26 56. Two or more persons, including both Defendants did in fact commit  
27 numerous tortious acts, as agreed.

28 57. The commission of those tortious acts caused Plaintiff injury and

1 damages.

2 58. As a result, Defendants have been unjustly enriched and Internet  
3 Brands has been injured and damaged.

4 **JURY DEMAND**

5 Plaintiffs request a jury trial on all claims so triable.

6  
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Internet Brands prays that:

9 1. Judgment be entered for Internet Brands on all claims.

10 2. Defendants, their agents, servants, employees, attorneys, and all others in  
11 active concert or participation with any of them, be enjoined and restrained  
12 permanently from:

13 (a) making visible use of the Internet Brands' Wikitravel mark or any other  
14 mark confusingly similar thereto;

15 (b) making any other trademark use of Internet Brands' Wikitravel trade  
16 name or trademark; and

17 (c) doing any other act or thing likely to confuse, mislead, or deceive others  
18 into believing that Defendants or their affiliates, employers, contractors, or agents  
19 are providing a website service that comes from, is affiliated with, connected with,  
20 sponsored or approved by, or associated with Internet Brands' Wikitravel Website;

21 3. Defendants be required to pay:

22 (a) damages, according to proof at trial;

23 (b) Internet Brands' attorneys' fees and costs of this action, as a result of  
24 Defendants' willful infringement of Internet Brands' trademark; and

25 (c) punitive damages in an amount to be determined at trial as a result of  
26 Defendant's willful conspiracy to commit unlawful business practices.

27 4. Any other relief this Court deems just and appropriate.

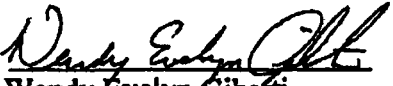
28 //



1 DATED: August 24, 2012

Respectfully submitted,

iGENERALCOUNSEL, P.C.

By:   
Wendy Evelyn Gibetti  
Attorney for Plaintiff INTERNET  
BRANDS, INC., a Delaware  
Corporation

**COPY**

CM-010

**CONFORMED COPY**OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 28 2012

John A. Clarke, Executive Officer/Clerk

By Lanello M. Galindo, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Wendy Evelyn Giberti (SEN 268933)

General Counsel, PC

9595 Wilshire Blvd., STE 900

Beverly Hills, CA 90212

TELEPHONE NO. (310) 300-4082

FAX NO. (310) 300-8401

ATTORNEY FOR (Plaintiff)

Plaintiff, Internet Brands, Inc.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 825 Maple Ave.

MAILING ADDRESS:

CITY AND ZIP CODE: Torrance, CA 90503

BRANCH NAME: Torrance Courthouse

CASE NAME:

Internet Brands, Inc. v. William Ryan Holliday, et al.

**CIVIL CASE COVER SHEET**
☒ Unlimited (Amount demanded exceeds \$25,000)
 ☐ Limited (Amount demanded is \$25,000 or less)
**Complex Case Designation**
☐ Counter ☐ Joinder

 Filed with first appearance by defendant  
(Cal. Rules of Court rule 3.402)

CASE NUMBER:

YC067706

JUDGE

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**
☐ Auto (22)  
☐ Uninsured motorist (46)
**Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort**
☐ Astroturf (24)  
☐ Product liability (24)  
☐ Medical malpractice (46)  
☐ Other PIP/DWD (23)
**Non-PIP/DWD (Other) Tort**
☒ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (18)  
☐ Intellectual property (19)  
☐ Professional negligence (26)  
☐ Other non-PIP/DWD tort (36)
**Employment**
☐ Wrongful termination (36)  
☐ Other employment (15)
**Contract**
☐ Breach of contract/warranty (08)  
☐ Rule 3.740 collections (08)  
☐ Other collections (08)  
☐ Insurance coverage (18)  
☐ Other contract (37)
**Real Property**
☐ Eminent domain/inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (28)
**Unlawful Detainer**
☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)
**Judicial Review**
☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (38)
**Provisionally Complex Civil Litigation**  
(Cal. Rules of Court, rules 3.408-3.403)
☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)
**Enforcement of Judgment**
☐ Enforcement of judgment (20)
**Miscellaneous Civil Complaint**
☐ RICO (27)  
☐ Other complaint (not specified above) (42)
**Miscellaneous Civil Petition**
☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
 a. ☐ Large number of separately represented parties  
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  
 c. ☐ Substantial amount of documentary evidence

 d. ☐ Large number of witnesses  
 e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related cases. (You may use form CM-015.)

Date: August 24, 2012

Wendy E. Giberti

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

BY FAX

**COPY**

SHORT TITLE:

Internet Brands, Inc. v. William Ryan Holliday, et al.

CASE NUMBER

YC067706

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 5. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 2, 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 2, 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2 2
	Product Liability (24)	<input type="checkbox"/> A7280 Product Liability (not asbestos or toxic/environmental)	1, 2, 3, 4, 6.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4. 1, 4.
	Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 3. 1, 4.

SHORT TITLE:

Internet Brands, Inc. v. William Ryan Holliday, et al.

CASE NUMBER

Non-Personal Injury/Property  
Damage/Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3.
Civil Rights (08)	<input type="checkbox"/> A6006 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6026 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (16)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 6.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 6.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

Internet Brands, Inc. v. William Ryan Holliday, et al.

CASE NUMBER

	A CMI Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 6.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6036 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6038 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 8.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1., 2., 8.	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

SHORT TITLE: Internet Brands, Inc. v. William Ryan Holliday, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 909 N. Sepulveda Blvd., 11th Floor
CITY: El Segundo	STATE: CA	ZIP CODE: 90245

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Torrance courthouse in the Southwest District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: August 24, 2012

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		<b>CONFORMED COPY</b>
COURTHOUSE ADDRESS: Southwest Dist. 825 Maple Ave., Torrance, CA 90503		ORIGINAL FILED Los Angeles Superior Court
PLAINTIFF: Internet Brands Inc		AUG 28 2012
DEFENDANT: Holliday		John A. Clarke, Executive Officer/Clerk
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		By Lanelle M. Galindo, Deputy
		CASE NUMBER: <b>YC067706</b>

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 2-4-13 Time: 8:30 Dept: B

**NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.**

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: 8-28-12

**STUART M. RICE**

Judicial Officer

**CERTIFICATE OF SERVICE**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below.

☐ by depositing in the United States mail at the courthouse in \_\_\_\_\_, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☒ by personally giving the party notice upon filing of the complaint.

JOHN A. CLARKE, Executive Officer/Clerk

Dated: 8-28-12

By [Signature]  
Deputy Clerk

**VOLUNTARY EFFICIENT LITIGATION STIPULATIONS**

Superior Court of California  
County of Los Angeles

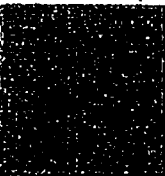


Los Angeles County  
Bar Association  
Litigation Section

Los Angeles County  
Bar Association Labor and  
Employment Law Section



Consumer Attorneys  
Association of Los Angeles



Southern California  
Defense Counsel



Association of  
Business Trial Lawyers



California Employment  
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions In Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

*The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.*

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association  
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆



NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION - EARLY ORGANIZATIONAL MEETING			CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to discuss and consider whether there can be agreement on the following:
  - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
  - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
  - c. Exchange of names and contact information of witnesses;
  - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
  - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
  - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
  - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FCB (Name)		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER
STIPULATION – DISCOVERY RESOLUTION			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
  - a. The party requesting the Informal Discovery Conference will:
    - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
    - ii. Include a brief summary of the dispute and specify the relief requested; and
    - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
  - b. Any Answer to a Request for Informal Discovery Conference must:
    - i. Also be filed on the approved form (copy attached);
    - ii. Include a brief summary of why the requested relief should be denied;

SHORT FILE	CASE NUMBER
------------	-------------

**The following parties stipulate:**

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR PLAINTIFF)

&gt;

(ATTORNEY FOR DEFENDANT)

&gt;

(ATTORNEY FOR DEFENDANT)

&gt;

(ATTORNEY FOR DEFENDANT)

&gt;

(ATTORNEY FOR \_\_\_\_\_)

&gt;

(ATTORNEY FOR \_\_\_\_\_)

&gt;

(ATTORNEY FOR \_\_\_\_\_)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:			
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
FAX NO. (Optional):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
<b>STIPULATION AND ORDER – MOTIONS IN LIMINE</b>			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

**The parties agree that:**

1. At least \_\_\_\_ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
  - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
  - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		CASE NUMBER:	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
FAX NO. (Optional):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
<b>INFORMAL DISCOVERY CONFERENCE</b> (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:
  - ☐ Request for Informal Discovery Conference
  - ☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: \_\_\_\_\_ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: \_\_\_\_\_ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		COURT BAR NUMBER	Reserved for Court's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER
<b>INFORMAL DISCOVERY CONFERENCE</b> (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:
  - ☐ Request for Informal Discovery Conference
  - ☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: \_\_\_\_\_ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: \_\_\_\_\_ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

SHORT TITLE	CASE NUMBER
-------------	-------------

**The following parties stipulate:**

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

Date: \_\_\_\_\_

&gt; (ATTORNEY FOR PLAINTIFF)

(TYPE OR PRINT NAME)

Date: \_\_\_\_\_

&gt; (ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

Date: \_\_\_\_\_

&gt; (ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

Date: \_\_\_\_\_

&gt; (ATTORNEY FOR DEFENDANT)

(TYPE OR PRINT NAME)

Date: \_\_\_\_\_

&gt; (ATTORNEY FOR \_\_\_\_\_)

(TYPE OR PRINT NAME)

Date: \_\_\_\_\_

&gt; (ATTORNEY FOR \_\_\_\_\_)

(TYPE OR PRINT NAME)

&gt; (ATTORNEY FOR \_\_\_\_\_)

**THE COURT SO ORDERS.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE**

[CRC 3.221 Information about Alternative Dispute Resolution]

For additional ADR information and forms visit the Court ADR web application at [www.lasuperiorcourt.org](http://www.lasuperiorcourt.org) (click on ADR).

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (Civil only).

**What is ADR:**

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

**Mediation:**

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

**Cases for Which Mediation May Be Appropriate**

Mediation may be particularly useful when parties have a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

**Cases for Which Mediation May Not Be Appropriate**

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

**Arbitration:**

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

**Cases for Which Arbitration May Be Appropriate**

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

**Cases for Which Arbitration May Not Be Appropriate**

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

**Neutral Evaluation:**

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

**Cases for Which Neutral Evaluation May Be Appropriate**

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

**Cases for Which Neutral Evaluation May Not Be Appropriate**

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

**Settlement Conferences:**

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.



## LOS ANGELES SUPERIOR COURT ADR PROGRAMS

### CIVIL:

- **Civil Action Mediation** (Governed by Code of Civil Procedure (CCP) sections 1775-1776.18, California Rules of Court, rules 3.850-3.858 and 3.860-3.868, Evidence Code sections 1715-1725, and Los Angeles Superior Court Rules, chapter 12.)
- **Refined Judge Settlement Conference**
- **Neutral Evaluation** (Governed by Los Angeles Superior Court Rules, chapter 12.)
- **Judicial Arbitration** (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- **Exempt Domain Mediation** (Governed by Code of Civil Procedure section 1280.420.)
- **Civil Harassment Mediation**
- **Small Claims Mediation**

### FAMILY LAW (non-community):

- **Mediation**
- **Forensic Certified Public Accountant (CPA) Settlement Conference**
- **Settlement Conference**
- **Nonbinding Arbitration** (Governed by Family Code section 2054.)

### PROBATE:

- **Mediation**
- **Settlement Conference**

### NEUTRAL SECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court-Party Select Panel or may hire someone privately, at their discretion. If the parties utilize the Random Select Mediator or Arbitration Panel, the parties will be assigned on a random basis the name of one neutral who meets the case criteria entered on the court's website.

### COURT ADR PANELS

- Party Select Panel:** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$450.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel:** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as experienced neutrals who make themselves available pro bono as a way of supporting the judicial system. It is the policy of the Court that all Random Select Panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Private Neutral:** The market rate for private neutrals can range from \$300 to \$1,000 per hour.

### ADR ASSISTANCE

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(661)974-7275	(661)974-7060
Chatsworth	9425 Penfield Ave.	1200	Chatsworth, CA 91311	(818)578-8685	(818)578-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)803-3072	(310)223-0337
Glendale	600 E. Broadway	273	Glendale, CA 91208	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	318	Long Beach, CA 90802	(562)491-5272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)807-7243	(562)482-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)358-5685	(626)686-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)820-3183	(909)829-6283
San Pedro	505 S. Centre	208	San Pedro, CA 90731	(310)518-8181	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)260-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)833-8118
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7328
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)802-2440

Partially Funded by the Los Angeles County Dispute Resolution Program  
A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office.

## **INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES**

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

### **APPLICATION**

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

**COMPLAINTS:** All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

**COPY**

SUM-100

**SUMMONS  
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

**WILLIAM RYAN HOLLIDAY**, an Individual; **HOLLIDAY IT SERVICES, INC.**, a California corporation; (see additional form attached)

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**INTERNET BRANDS, INC.**, a Delaware corporation,

FOR COURT USE ONLY  
SOLO PARA USO DE LA CORTE  
**CONFORMED COPY  
OF ORIGINAL FILED**  
Los Angeles Superior Court

AUG 29 2012

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

BY FAX

**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs in any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO:** Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en este corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Los Angeles Superior Court

Torrance Courthouse  
825 Maple Ave., Torrance, CA 90503

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Wendy B. Giberti; iGeneral Counsel, PC; 9595 Wilshire Blvd, STE 900, Beverly Hills, CA 90212

CASE NUMBER:  
(Número del caso):

PC067706

DATE:  
(Fecha)

AUG 29 2012

JOHN A. CLARKE, Clerk, by  
(Secretario)T. RHODES, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): Holliday IT Services, Inc., a California corporation  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.80 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

SHORT TITLE: Internet Brands, Inc. v. William Ryan Holliday, et al.	CASE NUMBER:
--	--------------

## INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.  
→ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

and JAMES HEILMAN, an individual; and DOES 1-10, inclusive,

**COPY FORMED COPY**OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 28 2012

John A. Clarke, Executive Officer/Clerk

By Lanelle M. Galindo, Deputy

Wendy Evelyn Giberti (SBN 26893)  
wgiberti@igeneralcounsel.com  
iGeneral Counsel, P.C.  
9595 Wilshire Blvd., STE 900  
Beverly Hills, CA 90212  
Telephone: (310) 300-4082  
Facsimile: (310) 300-8401

ASSIGNED FOR  
ALL PURPOSES TO  
**STUART M. RICE**  
Judge B Div.           
Dept.         

Attorney for Plaintiff INTERNET BRANDS, INC., a Delaware Corporation

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

INTERNET BRANDS, INC., a Delaware  
corporation,

Plaintiff,

v.

WILLIAM RYAN HOLLIDAY, an  
Individual; HOLLIDAY IT SERVICES,  
INC., a California corporation; and  
JAMES HEILMAN, an individual; and  
DOES 1-10, inclusive,

Defendants.

Case No.

**YC067706**

**COMPLAINT FOR:**

**1) TRADEMARK  
INFRINGEMENT;**

**2) UNFAIR BUSINESS  
PRACTICES UNDER THE  
LANHAM ACT;**

**3) UNFAIR BUSINESS  
PRACTICES UNDER  
CALIFORNIA BUSINESS  
PRACTICES ACT, SECTION  
17200; and**

**4) CIVIL CONSPIRACY**

**BY FAX**

COMES NOW Plaintiff, INTERNET BRANDS, INC. ("Internet Brands" or  
"Plaintiff"), and for its claims against WILLIAM RYAN HOLLIDAY, an  
individual, HOLLIDAY IT SERVICES, INC., a California Corporation, and  
JAMES HEILMAN, an individual, (collectively, "Defendants") hereby alleges as  
follows:

COMPLAINT

NO SUMMONS ISSUED UPON FILING

## **JURISDICTION AND VENUE**

1. This Court has personal jurisdiction over Defendants pursuant to the California Code of Civil Procedure, Section 410.10, the California State Constitution, and the United States Constitution, in that Defendants Holliday and Holliday IT Services, Inc. are residents of the State of California and Defendant Heilman has purposefully availed himself of commerce in the State of California, violated a contract entered into in California, and tortuously caused injury within the State of California.

2. Venue is proper in this Court pursuant to California Code of Civil Procedure, Section 395, in that Defendants Holliday and Holliday IT Services, Inc. reside in Los Angeles County and the injury occurred in Los Angeles County.

## **THE PARTIES**

1. Internet Brands is a Delaware corporation having its principal place of business at 909 Sepulveda Boulevard, 11th Floor, El Segundo, California, 90245.

2. Plaintiff is informed and believes and thereon alleges that Defendant Holliday IT Services, Inc. is a corporation organized and existing pursuant to the laws of the State of California, with its principal place of business located at 4247 Neosho Ave., Los Angeles, CA90066-6129.

3. Plaintiff is informed and believes and thereon alleges that Defendant William Ryan Holliday ("Holiday") is an individual who resides in Los Angeles County, State of California.

4. Upon information and belief, Defendant Holliday IT Services, Inc. is merely the alter-ego of Defendant Holliday and thus liability against Defendant Holliday and Defendant Holliday IT Services, Inc. should be joint and several, and this Court may appropriately pierce the improper corporate veil to adjudicate personal liability against Defendant Holliday.

5. Plaintiff is informed and believes and thereon alleges that Defendant James Heilman ("Heilman") is an individual who resides in the province of

1 Saskatchewan, Canada.

2 **FACTS GIVING RISE TO CLAIMS**

3 6. Internet Brands restates, re-alleges and incorporates paragraphs 1  
4 through 5 as if fully set forth herein.

5 7. Headquartered in El Segundo, California, Internet Brands is a media  
6 company that operates various websites and also develops and licenses Internet  
7 software and social media applications. Within its Consumer Internet Division,  
8 Internet Brands owns and operates more than 200 websites in nine different  
9 categories, including travel.

10 8. Within the travel category, Internet Brands owns and operates twenty-  
11 seven different travel related websites, including wikitravel.org (the "Wikitravel  
12 Website"), which it acquired in 2005 for \$1,700,000 from Evangelo Prodromou  
13 and Michele Jenkins (the "Sellers").

14 9. The Wikitravel Website is a website designed and operated to create a  
15 free, complete, up-to-date, and reliable worldwide travel guide. To date, the  
16 Wikitravel Website has over 62,000 destination guides and other articles written  
17 and edited by travellers from around the globe.

18 10. In addition to owning the Wikitravel Website, Internet Brands owns  
19 and has the rights to the trademark "WIKITRAVEL" (the "Trademark"), which it  
20 has used consistently and continuously since 2005. Today, Wikitravel is one of the  
21 largest and most popular travel information website in the world, known  
22 worldwide by its tradename.

23 11. The content on the Wikitravel Website can be created, deleted,  
24 modified, and otherwise edited by anyone, and is done so under a Creative  
25 Commons Attribution – ShareAlike License (the "License").

26 12. The License essentially provides that every contributor to the  
27 Wikitravel Website gives the right to anyone else to copy the content, so long as  
28 the copier gives attribution to the original content creator and retains the work and

1 any derivative works under the same License.

2 13. Internet Brands employs a strong team of technology, management,  
3 and other business personnel to oversee, operate, and improve the Wikitravel  
4 Website.

5 14. In addition, Internet Brands relies on its staff and dozens of volunteer  
6 administrators (the "Administrators") to protect the quality of the content posted,  
7 to remove spam, and to otherwise oversee the Wikitravel Website.

8 15. Defendant Holliday was an Administrator on Wikitravel from June  
9 27, 2005 until August 21, 2012.

10 16. The Wikimedia Foundation is the organization that operates  
11 Wikipedia.org and other "sister projects."

12 17. The Wikimedia Foundation has raised tens of millions of dollars,  
13 some of, which it intends to use for the benefit of "sister projects" including other  
14 Wiki sites.

15 18. Heilman is a Board member of Wikimedia Canada, which is the  
16 thirty-third local chapter of the Wikimedia Foundation.

17 19. On February 23, 2012, Heilman signed up for an account on  
18 Wikitravel, and, for the first time, posted on that site.

19 20. Heilman's February 23<sup>rd</sup> and subsequent posts were not for the benefit  
20 of the Wikitravel users or its broad community, but were specifically for the  
21 benefit of the Wikimedia Foundation. Specifically, he began a course of conduct  
22 intended to usurp the Wikitravel community; these actions included deliberately  
23 misleading statements, and Trademark infringement and violation of Internet  
24 Brands' intellectual property rights.

25 21. His plan was simple: create the illusion that Wikitravel Website was  
26 substantially "broken" and that the Wikimedia Foundation, out of generosity and  
27 benevolence, would be "bringing together," "integrating" or "migrating"  
28 Wikitravel to its control for the benefit and betterment of the Wiki community.



1        22. Heilman announced that the “new” site, which would combine the  
2 Wikitravel Website through a straw-man transaction with Wikivoyage.org (the  
3 “Wikivoyage Website”) into a Wikimedia Foundation website that would be  
4 called “Wiki Travel Guide” (the “Infringing Website”).

5        23. In order to help effectuate this plan, Heilman offered to assist the  
6 formation of the Infringing Website, spearheading and organizing certain planning  
7 and logistics of the infringing activity, and playing a broad and substantive role in  
8 “carrying the water” for the Infringing Website including the infringing acts.

9        24. Heilman was heavily involved in recruiting the support of others for  
10 various aspects of the development of the Infringing Website, the violation of the  
11 Trademark, and violation of the License.

12        25. In April, Heilman and Ryan engaged in an email thread with several  
13 others involved in the scheme in which the parties specifically discussed keeping  
14 the matter private for fear that Internet Brands would “get wind of it” and begin  
15 “actively resisting.”

16        26. On July 12, 2012, Heilman met at the Wikimania convention with a  
17 number of Administrators and others to reach a further meeting of the minds as to  
18 the unlawful acts to be undertaken.

19        27. On July 14, 2012, more clearly revealing their true intent of  
20 converting the Wikitravel Website to its own project, the Wikimedia Foundation  
21 asked Internet Brands to “donate” the Wikitravel Website, domain name, and the  
22 trademark rights to WIKITRAVEL.

23        28. When Internet Brands refused, the defendants escalated their efforts to  
24 trade on the Trademark, confuse the marketplace, misrepresent the origin, and  
25 violate the License.

26        29. For example, on August 18, 2012, Holliday improperly and  
27 wrongfully emailed at least several hundred of Wikitravel members, purporting to  
28 be from Wikitravel and informing members that the Wikitravel Website was

1 "migrating" to the Wikimedia Foundation. Upon information and belief, the  
2 number emailed is far greater.

3 30. Specifically, Holliday's email contained the Subject Line, "Important  
4 information about Wikitravel" and its body stated, "This email is being sent to you  
5 on behalf of the Wikitravel administrators since you have put some real time and  
6 effort into working on Wikitravel. We wanted to make sure that you are up to  
7 date and in the loop regarding big changes in the community that will affect the  
8 future of your work! As you may already have heard, Wikitravel's community is  
9 looking to migrate to the Wikimedia Foundation."

10 31. Holliday and Heilman clearly intended to confuse Wikitravel Website  
11 participants into thinking the Wikitravel Website is migrating to Wikimedia, in  
12 order to gain, through improper and illegal means, all the traffic and content  
13 creators currently contributing to Wikitravel.

14 32. Holliday not only violated trademark laws, he violated the  
15 administrative access given to him by Internet Brands by improperly using  
16 personal information stored on Internet Brands' servers about users and writing to  
17 them by name, in an attempt to bolster the appearance of a direct communication  
18 from the owners of the Wikitravel Website.

19 33. The defendants pride themselves in operating in a transparent fashion,  
20 when in actuality, the defendants have deliberately misrepresented facts and  
21 conspired with each other and many more to violate several laws in order to gain  
22 personally.

23 34. Worse still, the creation of "Wiki Travel Guide" has been done  
24 without proper attribution to the original content creators, in clear violation of the  
25 Attribution-Share License and the rights of the original creators.

26 35. The defendants Heilman and Holliday clearly have not acted alone.  
27 Further investigation continues to reveal additional co-conspirators and additional  
28 tortious and improper conduct. Additional defendants and causes of action are

1 expected through amendment, potentially including other Administrators that have  
2 been most corrupt in this scheme and any entity or individuals that provided them  
3 support or otherwise participated in these wrongful acts. This potentially includes  
4 the Wikimedia Foundation, members of its Board, other individual members of  
5 the Foundation, or anyone else who acted tortiously.

6 **COUNT I**

7 **COMMON LAW TRADEMARK INFRINGEMENT**

8 36. Internet Brands re-alleges and incorporates the allegations set forth in  
9 paragraph 1 through 35 herein

10 37. Internet Brands owns and uses the Wikitravel trademark and enjoys  
11 common law rights to the trademark as set forth above and thus these rights are.  
12 superior and senior to any rights that Defendants or anyone else may claim to the  
13 Trademark.

14 38. Defendants' use of the Trademark is intentionally designed to  
15 replicate the Trademark owned by Plaintiff so as to likely cause confusion in the  
16 marketplace as to the source of the Infringing Website, and designed to create the  
17 illusion as to the affiliation with or creation by Internet Brands' Wikitravel  
18 Website.

19 39. Defendants' actions are to the detriment of Plaintiff.

20 40. As a result of the infringing acts by Defendants, Plaintiff has been and  
21 continues to be injured and damaged.

22 **COUNT II**

23 **FEDERAL UNFAIR COMPETITION, FALSE DESIGNATION OF ORIGIN**

24 **AND TRADE NAME INFRINGEMENT**

25 **(Lanham Act, §43(a), 15 U.S.C. §1125)**

26 41. Internet Brands re-alleges and incorporates the allegations set forth in  
27 paragraph 1 through 40 herein.

28 42. Defendants' unauthorized use of a mark confusingly similar to

1 Internet Brands' Wikitravel trade name and trademarks for identical and related  
2 products, i.e., an informational travel website, falsely indicates that Defendants'  
3 and their website are connected with, sponsored by, affiliated with or related to  
4 Wikitravel.

5 43. Defendants' unauthorized use of a mark confusingly similar to  
6 Internet Brands' Wikitravel trade name and trademarks for an identical and related  
7 website is likely to cause confusion, mistake or deception as to the source,  
8 business affiliation, connection or association of Defendants and their website.

9 44. Defendants' unauthorized use of a mark confusingly similar to  
10 Internet Brands' Wikitravel trade name and trademarks for identical and related  
11 website allows Defendants to receive the benefit of Internet Brands' Wikitravel  
12 goodwill, which Internet Brands has established at great labor and expense, and  
13 further allows Defendants to expand its business, based not on its own qualities,  
14 but on the reputation and goodwill of Internet Brands' Wikitravel.

15 45. The acts of Defendants complained of herein constitute unfair  
16 competition, false designation of origin, and trade name infringement in violation  
17 of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

18 46. Internet Brands is informed and believes and thereon alleges that  
19 Defendants' acts complained of herein have been deliberate, willful and  
20 intentional, with full knowledge and in conscious disregard of Internet Brands'  
21 rights in its Wikitravel trademark and with intent to trade off of Internet Brands'  
22 vast goodwill in its mark.

23 47. As a result of the foregoing alleged actions of Defendants, Defendants  
24 have been unjustly enriched and Internet Brands has been injured and damaged.

25 **COUNT III**

26 **UNFAIR COMPETITION**

27 **(Cal. Bus. Prof. Code §17200)**

28 48. Internet Brands re-alleges and incorporates the allegations set forth in

1 paragraph 1 through 47 herein.

2 49. Defendants are offering Administrators, contributors and other users a  
3 competitive website by trading on Internet Brands' Wikitravel Trademark.

4 50. Internet Brands is informed and believes and thereon alleges that  
5 Defendants are profiting, directly or indirectly, through the use of Internet Brands'  
6 Wikitravel Trademark in a deliberate, willful, intentional and wrongful attempt to  
7 trade off of Internet Brands' goodwill, reputation and financial investment in its  
8 Wikitravel trademark.

9 51. By reason of the conduct described above, Defendants have engaged  
10 in unlawful, unfair and/or fraudulent business practices, and is in violation of Cal.  
11 Bus. & Prof. Code Section 17200 because it is likely to deceive and mislead the  
12 public.

13 52. As a direct result of Defendants' unfair competition, Defendants have  
14 unlawfully acquired, and continue to acquire on an ongoing basis, an unfair  
15 competitive advantage and have engaged, and continue to engage, in wrongful  
16 business conduct to their advantage and to the detriment of Internet Brands.

17 53. As a result of the foregoing alleged actions of Defendants, Defendants  
18 have been unjustly enriched and Internet Brands has been injured and damaged.

19  
20 **COUNT IV**

21 **CIVIL CONSPIRACY**

22 54. Internet Brands re-alleges and incorporates the allegations set forth in  
23 paragraph 1 through 53 herein.

24 55. Two or more persons, including both Defendants, had an agreement  
25 or meeting of the minds to commit numerous tortious acts.

26 56. Two or more persons, including both Defendants did in fact commit  
27 numerous tortious acts, as agreed.

28 57. The commission of those tortious acts caused Plaintiff injury and

1 damages.

2 58. As a result, Defendants have been unjustly enriched and Internet  
3 Brands has been injured and damaged.

4 **JURY DEMAND**

5 Plaintiffs request a jury trial on all claims so triable.

6  
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Internet Brands prays that:

9 1. Judgment be entered for Internet Brands on all claims.

10 2. Defendants, their agents, servants, employees, attorneys, and all others in  
11 active concert or participation with any of them, be enjoined and restrained  
12 permanently from:

13 (a) making visible use of the Internet Brands' Wikitravel mark or any other  
14 mark confusingly similar thereto;

15 (b) making any other trademark use of Internet Brands' Wikitravel trade  
16 name or trademark; and

17 (c) doing any other act or thing likely to confuse, mislead, or deceive others  
18 into believing that Defendants or their affiliates, employers, contractors, or agents  
19 are providing a website service that comes from, is affiliated with, connected with,  
20 sponsored or approved by, or associated with Internet Brands' Wikitravel Website;

21 3. Defendants be required to pay:

22 (a) damages, according to proof at trial;

23 (b) Internet Brands' attorneys' fees and costs of this action, as a result of  
24 Defendants' willful infringement of Internet Brands' trademark; and

25 (c) punitive damages in an amount to be determined at trial as a result of  
26 Defendant's willful conspiracy to commit unlawful business practices.


27 4. Any other relief this Court deems just and appropriate.

28 //

1 DATED: August 24, 2012  
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Respectfully submitted,

iGENERALCOUNSEL, P.C.

By:   
Wendy Evelyn Gibetti  
Attorney for Plaintiff INTERNET  
BRANDS, INC., a Delaware  
Corporation

**COPY**

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print name, state bar number, and address): Wendy Evelyn Giberti (SBN 268933) General Counsel, PC 9595 Wilshire Blvd., STE 900 Beverly Hills, CA 90212 TELEPHONE NO. (310) 300-4082 FAX NO. (310) 300-8401 ATTORNEY FOR (Please print): Plaintiff, Internet Brands, Inc.		<b>CONFIRMED COPY</b> OF ORIGINAL FILED Los Angeles Superior Court AUG 28 2012 John A. Clarke, Executive Officer/Clerk By Lanello M. Galindo, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 825 Maple Ave. MAILING ADDRESS: CITY AND ZIP CODE: Torrance, CA 90503 BRANCH NAME: Torrance Courthouse		
CASE NAME: Internet Brands, Inc. v. William Ryan Holliday, et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		
		CASE NUMBER: <b>YC067706</b> JUDGE: DEPT:

BY FAX

Items 1-8 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PIPD/W (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (34) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (46) <input type="checkbox"/> Other PIPD/W (28) <b>Non-PIP/W (Other) Tort</b> <input checked="" type="checkbox"/> Business tort/unfair business practices (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (26) <input type="checkbox"/> Other non-PIP/W tort (38) <b>Employment</b> <input type="checkbox"/> Wrongful termination (38) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (06) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (08) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 24, 2012

Wendy E. Giberti

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



**COPY**

SHORT TITLE

Internet Brands, Inc. v. William Ryan Holliday, et al.

CASE NUMBER

**YC067706**

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Case actions must be filed in the Stanley Mosk Courthouse, central district. May be filed in central (other county, or no bodily injury/property damage).
2. Location where cause of action arose.
3. Location where bodily injury, death or damage occurred.
4. Location where performance required or defendant resides.
5. Location of property or permanently garaged vehicle.
6. Location where petitioner resides.
7. Location wherein defendant/respondent functions wholly.
8. Location where one or more of the parties reside.
9. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 2, 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 2, 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
Product Liability (24)	<input type="checkbox"/> A7280 Product Liability (not asbestos or toxic/environmental)	1, 2, 3, 4, 8.
Medical Malpractice (46)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4.
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4.
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4.
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 3.
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4.

SHORT TITLE:

Internet Brands, Inc. v. William Ryan Holliday, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3.
	Civil Rights (08)	<input type="checkbox"/> A6006 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6026 Other Non-Personal Injury/Property Damage tort	2, 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (16)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (08) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5. 2, 6. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 8. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6016 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 8.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 8.

SHORT TITLE:

Internet Brands, Inc. v. William Ryan Hollday, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6106 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 6.	
	Writ of Mandate (02)	<input type="checkbox"/> A6161 Writ - Administrative Mandamus <input type="checkbox"/> A6162 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6163 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 6.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6036 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6038 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition

SHORT TITLE: Internet Brands, Inc. v. William Ryan Holliday, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 909 N. Sepulveda Blvd., 11th Floor
CITY: El Segundo	STATE: CA	ZIP CODE: 90245

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Torrance courthouse in the Southwest District of the Superior Court of California, County of Los Angeles (Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)).

Dated: August 24, 2012

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		<b>CONFORMED COPY</b>
COURTHOUSE ADDRESS: Southwest Dist. 825 Maple Ave., Torrance, CA 90503		Los Angeles Superior Court
PLAINTIFF: Internet Brands Inc		AUG 28 2012
DEFENDANT: Holliday		John A. Clarke, Executive Officer/Clerk
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		By Lanelle M. Galindo, Deputy
TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:		CASE NUMBER: YC067706

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 2-4-13	Time: 8:30	Dept: B
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**NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.**

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: 8-28-12

**STUART M. RICE**

Judicial Officer

**CERTIFICATE OF SERVICE**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

☐ by depositing in the United States mail at the courthouse in \_\_\_\_\_, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☒ by personally giving the party notice upon filing of the complaint.

JOHN A. CLARKE, Executive Officer/Clerk

Dated: 8-28-12

By: [Signature]  
Deputy Clerk

**NOTICE OF  
CASE MANAGEMENT CONFERENCE**

## VOLUNTARY EFFICIENT LITIGATION STIPULATIONS



Superior Court of California  
County of Los Angeles



Los Angeles County  
Bar Association  
Litigation Section

Los Angeles County  
Bar Association Labor and  
Employment Law Section



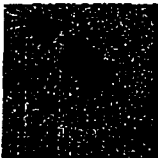
Consumer Attorneys  
Association of Los Angeles



Southern California  
Defense Counsel



Association of  
Business Trial Lawyers



California Employment  
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

*The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.*

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association  
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO. E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name):		FAX NO. (Optional)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER
STIPULATION - EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to discuss and consider whether there can be agreement on the following:
  - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
  - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
  - c. Exchange of names and contact information of witnesses;
  - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
  - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
  - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
  - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
<b>STIPULATION – DISCOVERY RESOLUTION</b>			CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
  - a. The party requesting the Informal Discovery Conference will:
    - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
    - ii. Include a brief summary of the dispute and specify the relief requested; and
    - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
  - b. Any Answer to a Request for Informal Discovery Conference must:
    - i. Also be filed on the approved form (copy attached);
    - ii. Include a brief summary of why the requested relief should be denied;



SHORT TITLE:	CASE NUMBER:
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**The following parties stipulate:**

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR \_\_\_\_\_)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR \_\_\_\_\_)

Date:

(TYPE OR PRINT NAME)

&gt;

(ATTORNEY FOR \_\_\_\_\_)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER:
<b>STIPULATION AND ORDER – MOTIONS IN LIMINE</b>			

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least \_\_\_\_ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
  - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
  - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			Case Number
<b>INFORMAL DISCOVERY CONFERENCE</b> (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:
  - ☐ Request for Informal Discovery Conference
  - ☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: \_\_\_\_\_ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: \_\_\_\_\_ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		COURT BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO. E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name)		FAX NO. (Optional)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER
<b>INFORMAL DISCOVERY CONFERENCE</b> (pursuant to the Discovery Resolution Stipulation of the parties)			

- This document relates to:
  - ☐ Request for Informal Discovery Conference
  - ☒ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: \_\_\_\_\_ (Insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: \_\_\_\_\_ (Insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

SHORT TITLE: _____	CASE NUMBER: _____
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**The following parties stipulate:**

Date: \_\_\_\_\_

Date: (TYPE OR PRINT NAME) \_\_\_\_\_

Date: \_\_\_\_\_

Date: (TYPE OR PRINT NAME) \_\_\_\_\_

Date: \_\_\_\_\_

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Date: (TYPE OR PRINT NAME) \_\_\_\_\_

Date: \_\_\_\_\_

Date: (TYPE OR PRINT NAME) \_\_\_\_\_

> \_\_\_\_\_  
(ATTORNEY FOR PLAINTIFF)> \_\_\_\_\_  
(ATTORNEY FOR DEFENDANT)> \_\_\_\_\_  
(ATTORNEY FOR DEFENDANT)> \_\_\_\_\_  
(ATTORNEY FOR DEFENDANT)> \_\_\_\_\_  
(ATTORNEY FOR \_\_\_\_\_)> \_\_\_\_\_  
(ATTORNEY FOR \_\_\_\_\_)> \_\_\_\_\_  
(ATTORNEY FOR \_\_\_\_\_)**THE COURT SO ORDERS.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

[CRC 3.221 Information about Alternative Dispute Resolution]

For additional ADR information and forms visit the Court ADR web application at [www.lasuperiorcourt.org](http://www.lasuperiorcourt.org) (click on ADR).

The plaintiff shall serve a copy of this Information Package on each defendant along with the complaint (Civil only).

### What is ADR:

Alternative Dispute Resolution (ADR) is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes, such as arbitration, mediation, neutral evaluation (NE), and settlement conferences, are less formal than a court process and provide opportunities for parties to reach an agreement using a problem-solving approach.

There are many different kinds of ADR. All of them utilize a "neutral", an impartial person, to decide the case or help the parties reach an agreement.

### Mediation:

In mediation, a neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute but helps the parties communicate so they can try to settle the dispute themselves. Mediation leaves control of the outcome with the parties.

#### Cases for Which Mediation May Be Appropriate

Mediation may be particularly useful when parties have a dispute between or among family members, neighbors, or business partners. Mediation is also effective when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in an effective and nondestructive manner.

#### Cases for Which Mediation May Not Be Appropriate

Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

### Arbitration:

In arbitration, a neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Arbitration may be either "binding" or "nonbinding." *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision.

#### Cases for Which Arbitration May Be Appropriate

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

#### Cases for Which Arbitration May Not Be Appropriate

If parties want to retain control over how their dispute is resolved, arbitration, particularly binding arbitration, is not appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.

### Neutral Evaluation:

In neutral evaluation, each party gets a chance to present the case to a neutral person called an "evaluator." The evaluator then gives an opinion on the strengths and weaknesses of each party's evidence and arguments and about how the dispute could be resolved. The evaluator is often an expert in the subject matter of the dispute. Although the evaluator's opinion is not binding, the parties typically use it as a basis for trying to negotiate a resolution of the dispute.

#### Cases for Which Neutral Evaluation May Be Appropriate

Neutral evaluation may be most appropriate in cases in which there are technical issues that require special expertise to resolve or the only significant issue in the case is the amount of damages.

#### Cases for Which Neutral Evaluation May Not Be Appropriate

Neutral evaluation may not be appropriate when there are significant personal or emotional barriers to resolving the dispute.

### Settlement Conferences:

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option. Mandatory settlement conferences are often held close to the date a case is set for trial.

## LOS ANGELES SUPERIOR COURT ADR PROGRAMS

### CIVIL:

- Civil Action Mediation (Governed by Code of Civil Procedure (CCP) sections 1775-1776.10; California Rules of Court, rules 3.850-3.858 and 3.890-3.898; Evidence Code sections 4115-4125; and Los Angeles Superior Court Rules, chapter 12.)
- Retired Judge Settlement Conference
- Neutral Evaluation (Governed by Los Angeles Superior Court Rules, chapter 12.)
- Judicial Arbitration (Governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810-3.830, and Los Angeles Superior Court Rules, chapter 12.)
- Eminent Domain Mediation (Governed by Code of Civil Procedure section 1250.120.)
- Civil Harassment Mediation
- Small Claims Mediation

### FAMILY LAW DISPUTE RESOLUTION:

- Mediation
- Forensic Certified Public Accountant (CPA) Settlement Conference
- Settlement Conference
- Nonbinding Arbitration (Governed by Family Code section 2854.)

### PROBATE:

- Mediation
- Settlement Conference

### NEUTRAL SELECTION

Parties may select a mediator, neutral evaluator, or arbitrator from the Court Party Select Panel or they may choose a private mediator, at their discretion. If the parties utilize the Random Select Mediator or Arbitration Panel, the parties will be assigned on a random basis the name of the neutral who meets the case criteria entered on the court's website.

### COURT ADR PANELS

- Party Select Panel:** The Party Select Panel consists of mediators, neutral evaluators, and arbitrators who have achieved a specified level of experience in court-connected cases. The parties (collectively) may be charged \$300.00 per hour for the first three hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.
- Random Select Panel:** The Random Select Panel consists of trained mediators, neutral evaluators, and arbitrators who have not yet gained the experience to qualify for the Party Select Panel, as well as retired judges who make themselves available pro bono as a way of supporting the judicial branch. It is the policy of the Court that any random select panel volunteer mediators, neutral evaluators, and arbitrators provide three hours hearing time per case. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the neutral if the parties consent in writing.

**Private Neutral:** The market rate for private neutrals can range from \$300 to \$1,000 per hour.

For assistance regarding ADR, please contact the ADR clerk at the courthouse in which your case was filed.

Antonovich	42011 4th St. West	None	Lancaster, CA 93534	(861)974-7275	(861)974-7080
Chatsworth	9425 Penfield Ave.	1200	Chatsworth, CA 91311	(818)578-8585	(818)578-8687
Compton	200 W. Compton Blvd.	1002	Compton, CA 90220	(310)603-3072	(310)223-0337
Glendale	800 E. Broadway	273	Glendale, CA 91208	(818)500-3160	(818)548-5470
Long Beach	415 W. Ocean Blvd.	316	Long Beach, CA 90802	(562)491-6272	(562)437-3802
Norwalk	12720 Norwalk Blvd.	308	Norwalk, CA 90650	(562)807-7243	(562)462-9019
Pasadena	300 E. Walnut St.	109	Pasadena, CA 91101	(626)358-5685	(626)588-1774
Pomona	400 Civic Center Plaza	106	Pomona, CA 91766	(909)620-3183	(909)629-6283
San Pedro	505 S. Centre	208	San Pedro, CA 90731	(310)519-8161	(310)514-0314
Santa Monica	1725 Main St.	203	Santa Monica, CA 90401	(310)250-1829	(310)319-6130
Stanley Mosk	111 N. Hill St.	113	Los Angeles, CA 90012	(213)974-5425	(213)833-6116
Torrance	825 Maple Ave.	100	Torrance, CA 90503	(310)222-1701	(310)782-7328
Van Nuys	6230 Sylmar Ave.	418	Van Nuys, CA 91401	(818)374-2337	(818)802-2440

Partially Funded by the Los Angeles County Dispute Resolution Program

A complete list of the County Dispute Resolution Programs is available online and upon request in the Clerk's Office.

## **INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES**

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

### **APPLICATION**

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

**COMPLAINTS:** All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.